

STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
BOARD OF ACCOUNTANCY

In the Matter of:)	
)	CPE AUDIT
DANIEL S. MAYBERRY,)	
CERTIFIED PUBLIC ACCOUNTANT)	NEGOTIATED
)	CONSENT AGREEMENT
Certificate No. 2948)	

The above-named parties in the interest of resolving the action between them enter into this Consent Agreement upon the terms and conditions set forth below.

1. The South Dakota Board of Accountancy (Board) has jurisdiction of this matter pursuant to SDCL 36-20B.
2. Daniel S. Mayberry (Mayberry) is licensed as a certified public accountant (CPA) with the Board. His certificate number is 2948.
3. As a licensee, Mayberry is subject to the provisions of SDCL 36-20B and ARSD 20:75.
4. Pursuant to SDCL 36-20B-27 a licensed CPA is required to complete 120 hours of continuing professional education (CPE) in each three-year renewal cycle. Pursuant to ARSD 20:75:04:07 the CPA is required to complete a minimum of 20 CPE hours in a one year renewal period.
5. Pursuant to ARSD 20:75:04:11 the CPA is subject to verification of all CPE submitted to the board. A CPA selected for a review must provide documentation to verify attendance or completion of all courses reported to the board for CPE credit.
6. Pursuant to ARSD 20:75:04:15 the CPA is required to keep documentation as acceptable evidence of completion for claimed CPE courses.
7. On September 4, 2015, Mayberry was sent a letter in regards to being selected for a CPE audit. Mayberry was informed that the deadline for submission of the documentation to verify claimed CPE was October 30, 2015.
8. Mayberry submitted partial CPE documentation to the board on October 9, 2015.


9. On October 29, 2015, Senior Secretary Iverson emailed Mayberry in regards to the additional documentation needed to complete the CPE audit. Mayberry submitted the additional documentation on October 29, 2015.
10. On January 12, 2016, Senior Secretary Iverson emailed Mayberry that the courses he completed for the period of July 1, 2014 to June 30, 2015, all of the courses were completed in July 2015 and they would be moved to the following year of CPE reporting since they were completed beyond the June 30, 2015, date and no CPE extension was on file for the period ending June 30, 2015.
11. Mayberry acknowledges of the required minimum of 20 hours of CPE for period ending June 30, 2015, he failed to complete his courses by the due date of June 30, 2015, and did not request an extension to complete the CPE hours and is short 49 CPE hours.
12. Mayberry acknowledges of the required 120 hours of CPE for period ending June 30, 2015, he is short 49 CPE hours.
13. Mayberry acknowledges that he failed the CPE audit for the three year period ending June 30, 2015.
14. The above described conduct constitutes grounds for disciplinary action in South Dakota against Mayberry.
15. Mayberry is aware that he may choose to be represented by legal counsel in this matter.
16. Mayberry is aware of and understands the nature of these matters and has been informed of his right to counsel, notice, hearing, and appeal, and that by agreeing to and signing this Consent Agreement, he waives all procedures and proceedings before the Department to which he may be entitled under state or federal law.

17. Mayberry admits that the violations described in this Consent Agreement are true and accurate, and Mayberry admits to having violated South Dakota Law and Administrative Rules of South Dakota.
18. In return Mayberry's agreement to the provisions of this Consent Agreement, the Board agrees not to proceed to hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
19. Mayberry agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. The Board shall grant Mayberry an extension to complete 49 hours of CPE for period ending June 30, 2015. The hours must be completed within 90 days of the signed agreement by the Chair;
 - b. Mayberry shall submit proof of completion for all claimed CPE courses taken through the extension timeframe and for the next three renewal periods;
 - c. Mayberry will not be eligible for an extension to complete CPE for the next three renewal periods;
 - d. The Board will issue a public reprimand to Mayberry;
 - e. Mayberry shall pay an administrative fee in the amount of \$1000. The administrative fee must be paid within 30 days of the signed agreement by the Chair.
20. If Mayberry fails to comply with the terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary action against him.
21. Mayberry understands that nothing in this Consent Agreement will be deemed to restrict the Board from raising facts in reference to either party outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
22. Mayberry consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Board for acceptance or rejection. In the event the Board rejects the recommendations for resolution by Consent Agreement, Mayberry waives any right


to claim prejudice of the Board by reason of any factual basis submitted to the Board in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.

23. Mayberry understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken on the Board's website.
24. Mayberry understands that this Consent Agreement may be considered in any future licensing procedures with the Board and for the purposes of determining the appropriate sanctions in any future actions by the Board for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Board.
25. Mayberry has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Mayberry is not relying on any other representations of any kind, verbal or otherwise.
26. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Mayberry, at the address 433 S. 7th St. Apt 2326, Minneapolis, MN 55415.

Dated this 9th day of March, 2016.


Daniel S. Mayberry, CPA

Dated this 30th day of March, 2016.


David Pummel, Chair
South Dakota Board of Accountancy